

Message Text

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PAGE 01 USUN N 01576 01 OF 02 150335Z

64

ACTION DLOS-04

INFO OCT-01 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10 OIC-02

FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05 IO-13

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 /156 W

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TO SECSTATE WASHDC 6896

INFO AMEMBASSY LIMA

AMCONSUL TORONTO

AMEMBASSY BRASILIA

AMEMBASSY BOGOTA

C O N F I D E N T I A L SECTION 1 OF 2 USUN 1576

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS COMMITTEE II MEETINGS, APRIL 8, 1976--ARTIFICIAL
ISLANDS, ETC., AND SCIENTIFIC RESEARCH

1. SUMMARY: COMMITTEE II COMPLETED CONSIDERATION OF
ARTICLE 48 (JURISDICTION OF THE COASTAL STATE OVER ARTIFICIAL
ISLANDS, INSTALLATIONS AND STRUCTURES), ARTICLE 49 (COASTAL
STATE CONSENT FOR SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE),
ARTICLE 50 (COASTAL STATE DETERMINATION OF THE ALLOWABLE
CATCH OF LIVING RESOURCES IN THE ECONOMIC ZONE) AND PROCEEDED
WELL INTO THE CONSIDERATION OF ARTICLE 51 (OPTIMUM UTILIZA-
TION AND ACCESS TO LIVING RESOURCES BY FOREIGN STATES).
DIVISIONS IN THE DEBATE ON ARTICLES 48 AND 49 RAN ALONG TWO
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PAGE 02 USUN N 01576 01 OF 02 150335Z

LINES, (1) LAND-LOCKED -- GEOGRAPHICALLY DISADVANTAGED STATES

AGAINST COASTAL STATES AND (2) DEVELOPED AGAINST DEVELOPING STATES. THE REPORT ON THE TWO FISHERIES ARTICLES FOLLOWS, SEPTEL. END SUMMARY.

2. ARTICLE 48 (COASTAL STATE JURISDICTION OVER ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES):

A. PARAGRAPH 1 (INSTALLATIONS, ETC., OVER WHICH THE COASTAL STATE HAS JURISDICTION):

-- THE PERUVIAN PROPOSAL (SEPTEL) TO DELETE THE PRESENT PARAGRAPH AND SUBSTITUTE QTE THE COASTAL STATE SHALL HAVE THE EXCLUSIVE RIGHT TO CONSTRUCT AND TO AUTHORIZE AND REGULATE THE CONSTRUCTION, OPERATION AND USE IN THE EXCLUSIVE ECONOMIC ZONE OF ALL ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES AND DEVICES UNQTE, WAS SUPPORTED BY MADAGASCAR, CHINA AND ARGENTINA. THE EFFECT OF THE PROPOSAL IS TO EXPAND COASTAL STATE JURISDICTION.

--THE USSR PROPOSAL (SEPTEL) TO LIMIT COASTAL STATE JURISDICTION OVER INSTALLATIONS, ETC., WAS SUPPORTED BY BULGARIS. THE U.S. INDICATED THAT IT WOULD SUPPORT THIS PROPOSAL OR WOULD SEEK THE DELETION OF THE SNT PARAGRAPH, IF THIS WERE TO BECOME NECESSARY TO COUNTER-BALANCE EXTREMIST DEMANDS BY THE TERRITORIALISTS.

--ITALY'S PROPOSED CLARIFICATION OF SUB-PARAGRAPH (B) (SEPTEL) WAS SUPPORTED BY THE FRG, IRAQ, THE NETHERLANDS AND BULGARIS.

B. PARAGRAPH 2 (JURISDICTION OVER CUSTOMS, FISCAL, HEALTH, SAFETY AND IMMIGRATION REGULATIONS):

--THE ITALIAN PROPOSAL (SEPTEL) TO DELETE THE CONCEPT OF CUSTOMS, ETC., AS CONFIRMING TOO BROAD A JURISDICTION, WAS SUPPORTED BY IRAQ.

--THE USSR PROPOSAL (SEPTEL) INTENDED TO CIRCUMSCRIBE COASTAL STATE JURISDICTION WITHIN AN ECONOMIC CONTEXT, WAS SUPPORTED BY THE FRG AND BULGARIA.
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PAGE 03 USUN N 01576 01 OF 02 150335Z

C. PARAGRAPH 3 (NOTICE OF CONSTRUCTION AND REMOVAL OF ARTIFICIAL ISLANDS, ETC):

--NO COMMENT.

D. PARAGRAPH 4 (COMPETENCE TO ESTABLISH SAFETY ZONES AROUND ARTIFICIAL ISLANDS, ETC., AND TO ENSURE

SAFETY OF ARTIFICIAL ISLANDS, ETC., AND NAVIGATION):

--INDIA'S RADICAL PROPOSAL (SEPTTEL) PROVIDING FOR A DRAMATIC EXTENSION OF COASTAL STATE JURISDICTION OVER THE ECONOMIC ZONE, ON THE LINES OF CONTIGUOUS ZONE CONCEPT (AND ENVISIONING CLUSTERS OF INSTALLATIONS) WAS SUPPORTED BY PERU. IN THE FACE OF SOME CRITICAL COMMENTS, INDIA DID, HOWEVER, INDICATE THAT REASONABLE AMENDMENTS TO THE SNT WOULD SATISFY THEM.

E. PARAGRAPH 5 (BREADTH OF SAFETY ZONES):

--THE UK PROPOSAL TO INDICATE CLEARLY THAT IMCO IS THE ORGANIZATION REFERRED TO IN THE PARAGRAPH WAS SUPPORTED BY THE U.S., FRG AND NETHERLANDS.

--SWEDEN SUGGESTED THAT A SAFETY ZONE OF GREATER THAN 500 METERS WOULD BE APPROPRIATE, BUT DID NOT SPECIFY A NEW DISTANCE.

--TUNISIA PROPOSED TO DELETE QTE SHALL NOT EXCEED A DISTANCE OF 500 METERS AROUND THEM MEASURED FROM EACH POINT OF THEIR OUTER EDGE EXCEPT AS AUTHORIZED BY GENERALLY ACCEPTED INTERNATIONAL STANDARDS OR AS RECOMMENDED BY THE APPROPRIATE INTERNATIONAL ORGANIZATIONS UNQTE. THIS PROPOSAL, WHICH WAS NOT SUPPORTED, CLEARLY WAS INTENDED TO PROVIDE POWER IN THE COASTAL STATE TO ESTABLISH SAFETY ZONES OF GREATER THAN 500 METERS, UNILATERALLY.

--CANADA INDICATED THAT IT COULD ACCEPT SAFETY ZONES OF 2000 METERS AND A REFERENCE TO CLUSTERS OF INSTALLATIONS FOR WHICH LARGER SAFETY ZONES MIGHT BE CONFIDENTIAL

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PAGE 04 USUN N 01576 01 OF 02 150335Z

REQUIRED. THIS WAS NOT SUPPORTED.

--NEW ZEALAND STATED THAT IT WOULD PREFER A DISTANCE SUBSTANTIALLY LARGER THAN 500 METERS, IN VIEW OF THE FACT THAT LARGER SHIPS ARE GENERALLY UNABLE TO STOP WITHIN 500 METERS. THIS STATEMENT WAS NOT SUPPORTED.

F. PARAGRAPH 6 (OBLIGATIONS OF SHIPS TO RESPECT SAFETY ZONES AND OBLIGATIONS OF COASTAL STATES TO PROVIDE NOTICE OF THE EXTENT OF SUCH ZONES):

--POLAND PROPOSED (WITHOUT BEING SUPPORTED) THAT THERE BE A REFERENCE TO IMCO NAVIGATION SAFETY STANDARDS IN THIS PARAGRAPH.

G. PARAGRAPH 7 (PROHIBITION OF ESTABLISHING
ARTIFICIAL ISLANDS, ETC., WHICH WOULD INTERFERE WITH
RECOGNIZED ESSENTIAL SEALANES FOR INTERNATIONAL NAVIGATION);

--NO COMMENTS.

H. PARAGRAPH 8 (NO TERRITORIAL SEA FOR ARTIFICIAL
ISLANDS ETC., AND NO EFFECT BY THEM ON DELIMINATION);

--THE ROMANIAN PROPOSAL (SEPTTEL) TO TRANSFER PART
OF THIS PARAGRAPH TO THE ISLANDS CHAPTER AND THE OTHER
PART OF A NEW DELIMINATION CHAPTER WAS SUPPORTED BY
MADAGASCAR AND IRAQ.

4. ARTICLE 49 (COASTAL STATE CONSENT REQUIREMENT FOR
SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE);

--THE U.S. PROPOSED THAT THIS ARTICLE BE DELETED,
AS THE SUBJECT OF MARINE SCIENTIFIC RESEARCH WAS
PROPERLY BEFORE COMMITTEE III.

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PAGE 01 USUN N 01576 02 OF 02 150351Z

64

ACTION DLOS-04

INFO OCT-01 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10 OIC-02

FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 1576

FROM LOS DEL

--COLOMBIA ALSO SOUGHT DELETION, BUT NOT ONLY BECAUSE OF COVERAGE BY COMMITTEE III. COLOMBIA STATED THAT ARTICLE 45 PROVIDING FOR EXCLUSIVE JURISDICTION OF THE COASTAL STATE OVER SCIENTIFIC RESEARCH ASSURED A TOTAL CONSENT REGIME. COLOMBIA INDICATED THAT IN THE EVENT THAT THE ARTICLE WAS NOT DELETED ENTIRELY, IT SHOULD BE RECAST TO CLEARLY PROVIDE FOR COASTAL STATE CONSENT FOR ANY RESEARCH, BUT MOREOVER, TO PROVIDE THE COASTAL STATE WITH THE ULTIMATE DETERMINATION AS TO THE PROPER CLASSIFICATION OF THE RESEARCH IN ANY GIVEN SITUATION. THIS LATTER POINT WAS NOT SUPPORTED.

--BRAZIL ALSO AGREED THAT ARTICLE 49 COULD BE DELETED (FOR REASONS SIMILAR TO COLOMBIA'S) BUT IF IT CONFIDENTIAL

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PAGE 02 USUN N 01576 02 OF 02 150351Z

WAS RETAINED, THE SECOND SENTENCE SHOULD BE DELETED AND THE NIGERIAN PROPOSAL (BELOW) ADOPTED.

--NIGERIA PROPOSED TO SUBSTITUTE QTE THE COASTAL STATE MAY NOT NORMALLY WITHOUT ITS CONSENT UNQTE FOR QTE COASTAL STATE SHALL NOT NORMALLY WITHHOLD ITS CONSENT UNQTE. ASIDE FROM BRAZIL'S QUALIFIED SUPPORT, THIS WAS SUPPORTED BY ROMANIA (IN PRINCIPLE), AND LIBYA.

--ROMANIA PROPOSED TO SUBSTITUTE FOR QTE THE COASTAL STATE SHALL NOT NORMALLY WITHHOLD ITS CONSENT UNQTE, QTE THE COASTAL STATE SHALL TAKE INTO ACCOUNT THE NEED TO FACILITATE, TO THE EXTENT POSSIBLE, RESEARCH WHICH IS IN THE INTEREST OF MANKIND AS A WHOLE UNQTE. THIS WAS NOT SUPPORTED.

--MADAGASCAR PROPOSED TO DELETE THE ARTICLE AND SUBSTITUTE THEREFOR QTE THE COASTAL STATE HAS THE AUTHORITY TO GIVE CONSENT FOR ANY RESEARCH TO BE UNDERTAKEN UNQTE. THIS WAS NOT SUPPORTED.

--TUNISIA RECEIVED NO SUPPORT FOR A PROPOSAL SIMILAR TO MADAGASCAR'S.

--THE UNITED ARAB EMIRATES PROPOSED THE DELETION OF ARTICLE 49 AND SUBSTITUTION THEREFOR OF LANGUAGE TO THE EFFECT THAT CONSENT WOULD NOT NORMALLY BE WITHHELD FOR PURELY PEACEFUL RPT PEACEFUL

SCIENTIFIC RESEARCH. MOREOVER, THE UNITED ARAB EMIRATES PROPOSED A NEW SENTENCE PROVIDING, QTE THE FINAL RESULTS AND CONCLUSIONS OF THE RESEARCH OF SHALL BE PROVIDED TO THE COASTAL STATE AND SHALL BE PUBLISHED WITH THE CONSENT OF THAT STATE UNQTE. NEITHER OF THESE PROPOSALS WAS SUPPORTED.

--PERU STRESSED EMPHATICALLY THE NECESSITY OF COASTAL STATE CONSENT FOR ANY RESEARCH IN THE ECONOMIC ZONE AND ATTACKED AS TOTALLY UNREALISTIC THE ATTEMPT TO DIFFERENTIATE BETWEEN THE TWO SORTS OF RESEARCH STATED ABOVE. PERU THEN OFFERED A NEW OPENING PHRASE TO THE SECOND SENTENCE OF THE ARTICLE, QTE NEVERTHELESS, CONFIDENTIAL

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PAGE 03 USUN N 01576 02 OF 02 150351Z

THE COASTAL STATE SHALL NOT WITHHOLD ITS CONSENT IF THE REQUEST BY THE RESEARCHING STATE MEETS THE CONDITIONS REFERRED TO IN ARTICLE ---- OF THE CONVENTION UNQTE. THE REST OF THE SNT SENTENCE FOLLOWING QTE SUBJECT TO UNQTE WOULD REMAIN AS IT IS NOW. PERU RECEIVED NO SUPPORT FOR THIS PROPOSAL.

--EGYPT PROPOSED, HOWEVER, TO ATTEMPT A DISTINCTION, AS FOLLOWS, QTE, (1) THE CONSENT OF THE COASTAL STATE SHALL BE OBTAINED FOR ANY RESEARCH WITH RESPECT TO EXPLORATION AND EXPLOITATION OF LIVING AND NON-LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE. (2) A REQUEST SHALL BE SUBMITTED TO THE COASTAL STATE TO OBTAIN ITS CONSENT FOR PURELY SCIENTIFIC RESEARCH. SHOULD THE COASTAL STATE OBJECT WITH RESPECT TO THE NATURE OF THE RESEARCH TO BE UNDERTAKEN, THE RESEARCH SHALL BE INTERRUPTED UNTIL THE DISPUTE HAS BEEN SETTLED IN CONFORMITY WITH THE PROVISIONS OF THIS CONVENTION RELATING TO THE SETTLEMENT OF DISPUTES UNQTE.

--CAMEROON FAVORED RETENTION OF ARTICLE 49, BUT PROPOSED THAT THERE BE NO PRIOR CONSENT REQUIREMENT FOR LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATES IN THE SAME REGION OR SUB-REGION AS THE COASTAL STATE.

4. DURING THE DISCUSSION OF BOTH OF THESE ARTICLES, THE DEBATE TURNED TO THE ISSUE OF MILITARY ACTIVITIES, INSTALLATIONS AND DEVICES IN THE ECONOMIC ZONE. PERU, SUPPORTED BY MEXICO AND ARGENTINA, ATTACKED THE SUPER-POWERS WITH RESPECT TO MILITARY ACTIVITIES IN THE ECONOMIC ZONES OF FOREIGN STATES. IN SUCH AN ATMOSPHERE, IT CAN BE EXPECTED THAT THE SUBJECT WILL AGAIN ARISE IN THE CONTINENTAL SELF CHAPTER.

5. NJENGA, THEN CHAIRING THE MEETING, SUSPENDED THE

DEBATE ON ARTICLE 49, WITHOUT OBJECTION, FOR THE
REASON THAT IT WAS LIKELY TO BECOME PROTRACTED AND WAS
A MATTER WHICH WAS THEN UNDER CONSIDERATION IN
COMMITTEE III.

6. REPORT ON DISCUSSION OF ARTICLES 50 AND 51 FOLLOWS,
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PAGE 04 USUN N 01576 02 OF 02 150351Z

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Message Attributes

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